

### **Remarks**

Claims 1, and 3-16 are currently pending. The Examiner is again thanked for granting an interview with the Applicant's representative. In accordance with the interview, Claims 1, 3, 5-10, and 13 have been amended to correct informalities and to further clarify the subject matter being claimed. The Applicant respectfully notes for the Examiner that none of the amendments have changed the scope or subject matter of the claims, but have instead clarified the subject matter previously claimed. For example, the feature of "a plurality of time-related sequences" was moved from line 4 to line 6 of Claim 1 to clarify its relation to the rest of Claim 1. Also, the phrase "said sequences", which refers to "time-related sequences", has been amended in various of the claims to "said time-related sequences", to further clarify the reference. Support for the claim amendments may be found, for example, in previously examined Claims 1, and 3-16 (and at pg. 4, line 21 to pg. 5, line 6 of the specification). The Applicant respectfully submits that no new matter has been added on account of the claim amendments, no new issues have been raised, no new search is needed, the scope of the claimed subject matter has not changed and respectfully requests entry of the same into the Official Record.

The Applicant acknowledges the rejection of Claims 1, 3-11, and 13-16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,931,116 to Gross et al. ("Gross") in view of U.S. Patent No. 5,896,448 to Holt ("Holt"). For reasons set forth below, the Applicant respectfully submits that each of Claims 1, 3-11, and 13-16 are novel in view of the theoretical combination of Gross and Holt.

As amended, Claim 1 is directed to transferring data to a destination station having multiple real addresses via, among other features, searching for a real address of the destination station

according to a time-related sequence until a positive response is obtained; establishing a communications channel; and transferring data by the communications channel. Each time a success or failure in establishing a communications is achieved, time-related communications parameters are stored in memory. That is, each time there is a failed or successful attempt at establishing a call, time-related data is captured and stored. This time-related data may be, for example, the time of day the attempt succeeded (or failed), the day of the week the attempt succeeded (or failed), etc. The stored time-related data is then processed and correlated with successes/failures in order to re-order the time related sequence (of real addresses).

Gross, to the contrary, is directed to providing access to multiple telecommunications services via a single telephone number whereby calls are routed according to a predetermined sequence, according to a predetermined schedule, or according to an identity of the caller. Unlike Claim 1, however, Gross fails to disclose storing time-related communication parameters at each failed or successful attempt to establish a communications channel (to one of the real addresses), correlating at least one time-related parameter with the failed/successful attempt, and determining a new order of searching through the real addresses according to the correlation. Indeed, the instant Examiner acknowledges as much at pg. 3, lines 6-11 of the instant Office Action. Nonetheless, the Office Action looks to Holt as providing the features that are not disclosed by Gross. The Applicant respectfully disagrees.

Holt is directed to routing calls according to call success history. To that end, Holt discloses selecting a routing list according to a day of the week or time of day. (see col. 1, line 64- col. 2, line 3 of Holt). That is, one predetermined routing list is used during one time period, and another list may be used during a different time period. Once the proper list is selected, the numbers on that list are

sequentially accessed until a call has been successfully routed. (see col. 2, lines 45-54 of Holt). Unlike Claim 1, the above describe routing method of Holt fails to describe storing time-related parameters at each failed or successful attempt, and then using the time-related parameters to re-order the routing lists. Indeed, in this embodiment, Holt fails to disclose any re-ordering of the routing lists whatsoever.

In an alternate embodiment, Holt discloses maintaining a “probability indicator” for use in re-ordering routing lists. According to Holt, the probability is a counter which is incremented each time a call is successfully routed or each time a call fails. The destinations in the routing list are then resorted according to the counter. Neither of these sorting options, however, stores time-related data associated with each failed/successful routing, nor using the time-related data to sort. Instead, the routing lists in Holt are sorted solely according to the value of the counter. No time-related data is consider in sorting the routing lists.

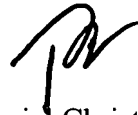
In yet another embodiment, Holt discloses sorting routing lists according to a weighted success counter. In this embodiment, Holt describes utilizing the same counter as in previous embodiments, but instead of incrementing the counter based solely on success or failure, the counter is incremented by one weighted offset (X) for one class of calls, and by another weighted offset (Y) for another class of calls. For example, a successful business call may be given preference over a non-business call. (see col. 8, lines 10-23 of Holt). As in prior embodiments Holt, the routing lists are then re-ordered according to the value of the weighted counter. Unlike Claim 1, Holt fails to disclose capturing and storing time-related parameters associated with a failed and/or successful attempt, correlating the time-related parameters with failed/successful attempts, and then using the correlation to re-order a sequence. Instead, Holt discloses re-ordering routing lists based solely on a

value of a counter. According to Holt, no other parameters (other than the counter) are used to re-order routing lists. Claim 1, to the contrary, utilizes time-related parameters associated with failed and/or successful attempts (e.g., time / day of a success) to re-order sequences.

Accordingly since Gross and Holt, either alone or in combination, fail to disclose each and every claim feature of Claim 1, the Applicant respectfully submits that Claim 1 is fully patentable over the theoretical combination of Gross and Holt. Claims 3-16 recite similar features to those recited in Claim 1 and are therefore fully patentable over Gross and Holt for similar reasons.

In view of the foregoing, the Applicant submits that the entire Application is now in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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